

**Committee and Date**

North Planning Committee

6 May 2014

**Item**

**7**

Public

## Development Management Report

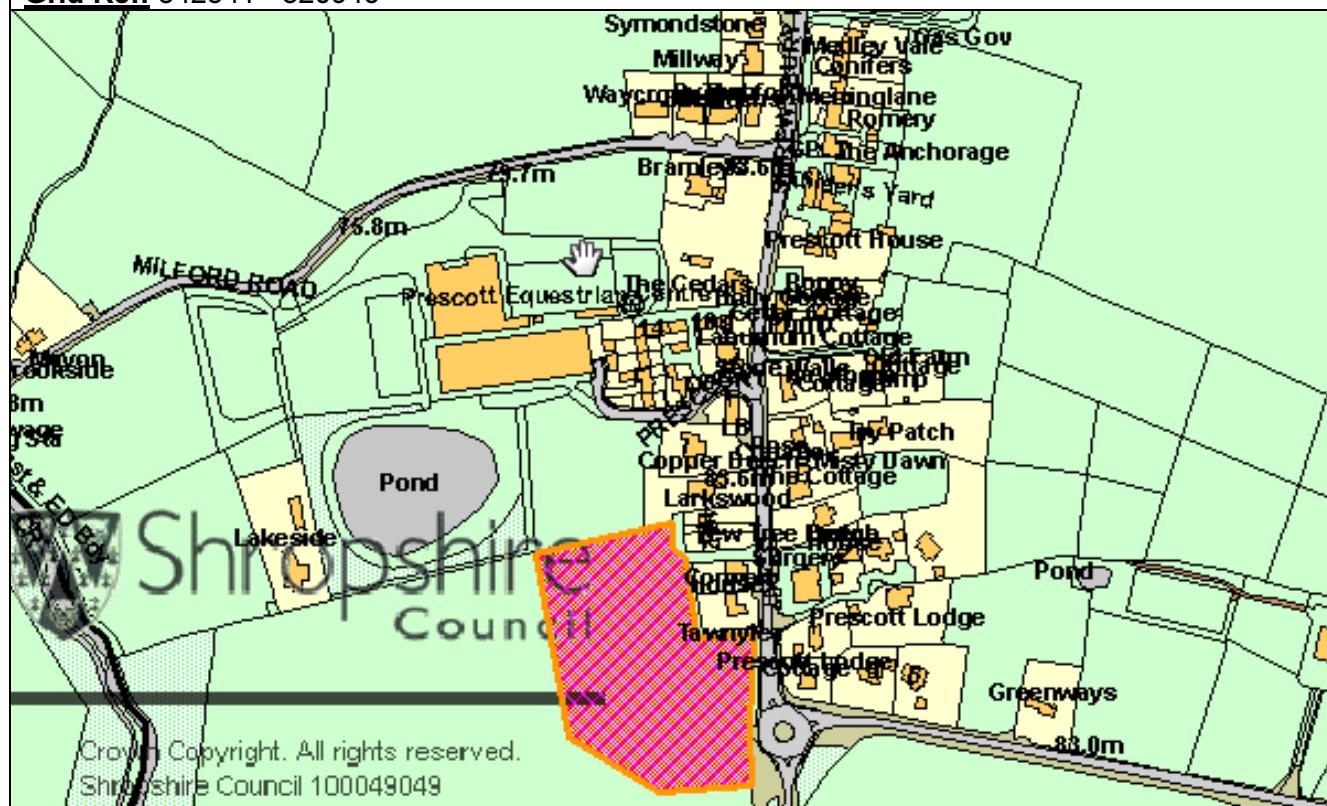
Responsible Officer: Tim Rogers

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### **Summary of Application**

<b>Application Number:</b> 14/00831/OUT	<b>Parish:</b>	Baschurch
<b>Proposal:</b> Outline planning permission for residential development to include access		
<b>Site Address:</b> Land Adjacent Tawnylea Prescott Road Prescott Baschurch Shropshire		
<b>Applicant:</b> J,B,E & W Warner		
<b>Case Officer:</b> Jane Raymond	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	

**Grid Ref:** 342541 - 320946



**Recommendation:- Grant delegated powers to the Area Planning Manager / Principal Planning Officer to issue permission subject to:**

- no new material considerations being raised as a result of the proposal being advertised as a Departure in the Shropshire Star on Tuesday 29<sup>th</sup> April 2014 for a 21 day period expiring on 20<sup>th</sup> May 2014, and
- a Section 106 legal agreement to secure affordable housing in accordance with the prevailing rate at the time of the submission of the Reserved Matters application in accordance with the Type ad Affordability of Housing SPD, and
- the conditions set out in Appendix 1.

## REPORT

### 1.0 THE PROPOSAL

1.1 This application relates to outline planning permission for residential development to include access. The submitted location plan also indicates an area designated for staff parking for the Prescott surgery opposite. No indicative layout has been submitted but the Design and Access statement indicates 35 dwellings.

### 2.0 SITE LOCATION/DESCRIPTION

2.1 The site is a grade 2 agricultural field approximately 1.26 hectares in size situated to the West of a roundabout to the South of the village of Baschurch. The site fronts the B5067 Shrewsbury Road to the West of the roundabout and there is currently a field access off this roundabout.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Parish Council have submitted a view contrary to officers and the application has been requested to be referred by the Local Member, and the Committee Chair in consultation with the Principal Planning Officer agrees that the application should be determined by committee.

### 4.0 Community Representations

#### 4.1 - Consultee Comments

4.1.1 **SC Highways DC: No objection.** The application is seeking the principle of approval for the residential development of a parcel of land located adjoining the southern edge of the village directly served off an existing roundabout junction. The roundabout is within the 30 mph local speed limit and is well served by footway facilities directly linking the site to the village to the north. Subject to the junction onto the roundabout being constructed and laid out in accordance with the Council's design standards the Highway Authority is of the view that the development would not be likely to lead to conditions detrimental to highway safety and raises no objection to the development. The proposed crossing point over the Class II road should be provided by the dropping of kerbs and provision of tactile paving. The Highway Authority raises no objection to the granting of outline

consent.

- 4.1.2 **SC Drainage: No objection.** Recommends that drainage details, plan and calculations could be conditioned and submitted for approval at the reserved matters stage.
- 4.1.3 **SC Affordable Houses: No objection.** The scheme would be required to contribute towards affordable housing in accordance with Policy CS11 of the adopted Core Strategy. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of Reserved Matters application. The current prevailing target rate for affordable housing in this area is 15%. The required tenure split of the affordable homes is 70% for affordable rent and 30% for low cost home ownership and these would be transferred to a housing association for allocation from the housing waiting list in accordance with the Council's prevailing Allocation Policy and Scheme. The size, type and tenure of the affordable housing needs to be agreed in writing with the Housing Enabling team before any application is submitted.
- 4.1.4 **SC Archeology (Historic Environment): No objection.** The proposed development site comprises a 1.26ha area immediately south-west of the historic core of Prescott; which until the 20th century comprised a separate settlement to Baschurch and one of probable medieval origin. The proposed development site is also located approximately c350m north-east of a cropmark enclosure of likely Iron Age to Roman date. Whilst there are currently no known heritage assets with archaeological interest on the proposed development site, it is possible that archaeological features of later prehistoric/ Roman date and/or relating to the medieval and later development of Prescott will be present. On present information, the proposed development site is therefore deemed to have moderate-high archaeological potential. In view of the above and relation to Paragraph 141 of the NPPF, recommends that a phased programme of archaeological work, to comprise an initial field evaluation consisting of a geophysical survey and targeted trial trenching followed by further mitigation as appropriate, be made a condition of any planning permission for the proposed development.

4.1.5 **SC Ecology: Request further information.**

Badger signs were found by Greenscape Environmental (2014) in the plantation woodlands over 100m from the application site and no badger tracks were evident crossing the site. In case of animals seeking to cross the construction site recommends an informative.

Greenscape Environmental (2014) considers there is no potential bat roosting habitat on site, however the site boundaries could be used for bat foraging and commuting. Recommends a condition to control lighting to avoid impact on bat behaviour:

Recommends an informative to ensure nesting birds are not affected by any hedgerow removal necessary.

Greenscape Environmental (2014) reports that there are four ponds within 500

metres of the application site. These scored Habitat Suitability Index scores of:

	Distance from site (m)	Habitat Suitability Index	Potential to support GCN breeding	Notes
Pond 1	54	0.26	Poor	Waterfowl and carp
Pond 2	70	0.71	Good	No fish or waterfowl
Pond 3	500	0.46	Poor	In woodland
Pond 4	200	0.83	Excellent	

Greenscape Environmental (April 2014) have started the presence/absence surveys of Ponds 2 and 4, and found that great crested newts (GCN) are present in both of these ponds. Pond 2 is the closest, at 70 metres. Until the necessary four surveys have been carried out, it is not possible to say what the size of the GCN population is at both ponds, which will affect the details of the necessary mitigation.

Greenscape Environmental (April 2014) states that the works will need to be conducted under licence from Natural England.

The application site is arable land and therefore of low value as terrestrial GCN habitat. However as newts could be present in the boundary hedgerows or crossing the site, the risks to individual newts will have to be reduced by a strict method statement being followed. Newts will need to be removed from the development area and excluded during the development. This will be completed by erecting newt fencing around sections of the site to inhibit newts crossing the land.

The April 2014 draft report contains a method statement for the mitigation works but cannot be finalised until the remaining GCN surveys have been completed. This is likely to be in May 2014. A final report from Greenscape Environmental should be submitted and thereafter conditioned as set out in recommended condition 2.

As compensation, Greenscape Environmental (April 2014) state that the SUDS scheme will provide suitable terrestrial and aquatic habitat for GCN to be planned at a later date. These details should be submitted for approval as part of the Reserved Matters application.

A draft European Protected Species 3 tests matrix is provided, to be finished once the final survey results are available and a final report containing mitigation is submitted. The planning officer will need to complete sections 1 and 2, 'over riding public interest' and 'no satisfactory alternative.' The EPS 3 tests matrix \*\*\* to be finalised\*\*\* must be included in the planning officer's report for the planning application and discussed/minuted at any committee at which the application is considered.

4.1.6 **SC Conservation (Historic Environment):** The proposal needs to be in accordance with policies CS5 Countryside Green Belt, CS6 Sustainable Design and Development and CS17 Environmental Networks, and with national policies and guidance, including PPS5 Historic Environment Planning Practice Guide published by English Heritage in March 2010 and National Planning Policy Framework (NPPF) published March 2012. No pre-application consultation was made with the Historic Environment Team. The site is immediately adjacent to the Baschurch Conservation Area of Prescott, considered a Heritage Asset. There are both designated and non-designation Heritage Assets (buildings/structures) within the proximity of the site. Although no assessment of the impact on the setting of the designated and non-designated Heritage Assets (buildings/structures) has been submitted with the application, it is considered that any potential impact on the setting of these buildings/structures is low, therefore no further assessment will be required. Developments of this type have the potential to have an adverse impact on the landscape character of the area, and it is noted within the Baschurch Conservation Area Appraisal that there are views over this land which add to the character of this part of the Conservation Area. However, this is not something which the Historic Environment Team can advise on further, therefore it is recommended that Development Management consider obtaining the opinion of an appropriately qualified Landscape professional to review the Landscape information submitted in support of the application, taking into consideration its proximity to the Conservation Area and assessing the impact accordingly.

Should the development be approved the design of the proposed development layout and dwellings therein should reflect the local vernacular in terms of scale, details and materials used in their construction, in accordance with the requirements of the policies noted above. If on balance the site is considered to be acceptable then any detailed application must be accompanied by a full design rationale for the development of the site, taking into consideration the setting of the Conservation Area. English Heritage should be consulted as the application site is more than 1000 square meters which could affect the setting of a Conservation Area.

## 4.2 - Public Comments

- 4.2.1 **Baschurch Parish Council: object** to the application on the following material considerations:
- i) The Ecology report should be undertaken again at a more appropriate time of the year.
  - ii) The visual amenity to surroundings would be impaired as this was the entrance to the village.
  - iii) The development was unsustainable as it does not determine a good housing mix.
  - iv) The development was isolated from existing services.
  - v) The site is not appropriate to the context of the village (It would expand in the wrong location and would elongate the village).
  - vi) With the figures quoted for proposed development in Baschurch Parish via SAMDev process it was felt that we had reached number to have achieved a 5 yr land supply.
  - vii) The public footpath needed to be protected and not removed.
  - viii) The development gave no community benefits

- ix) The site was not within the SAM Dev.
- x) There were no affordable houses proposed on the site.
- xi) Car Spaces for Drs Surgery had not been decreased to 10 spaces.
- xii) The application was outside the development boundary.
- xiii) No public open space had been provided.
- xiv) No pre application had been undertaken with the Parish Council.

4.2.2 15 letters of objection from 11 residents have been received summarised as follows:

- No positive benefits for the residents of Baschurch
- The population of Baschurch has increased considerably already and existing facilities and services are overstretched
- The proposed density of 35 houses for the site is too high and not in keeping with the village
- Exacerbate existing congestion on the roads in Baschurch and present a road safety hazard
- The additional access to the proposed overflow surgery car park and its use by patients who would have to cross a busy road is ludicrous and irresponsible
- The car park adjacent to 'Tawnylea' with car movements all through the day would result in noise and disturbance for the residents and if its use is not restricted to surgery opening times it could be used 7 days a week both day and night
- The introduction of a pedestrian crossing would result in light and noise pollution for the residents at 'Tawnylea' and is potentially hazardous for pedestrians and vehicles when combined with the access to the car park and would result in traffic 'hold ups'
- The surgery site should be developed for housing and a new surgery built on this site adjacent to 'Tawnylea'
- All the services and facilities are at the opposite end of the village with the schools almost a mile away so residents are likely to use their cars and add to the traffic and congestion
- The recreational field would be too far away for young children to easily access
- The site is not designated for development and the proposal is therefore in contravention of the Core Strategy
- More sustainable alternative sites are currently available within the development boundary of the village, and these must be given priority and developed first that
- The development will elongate the village and is undesirable ribbon development

- Paragraph 4.67 of the Core strategy states that *Development in Community Hubs and Community Clusters will be within the village. To prevent ribbon development, development adjoining the village is not acceptable, unless on a site that has been allocated for development, or as an exception site for affordable housing or other development allowed under Policy CS5 Countryside and Green Belt.*
- The beautiful approach to the village of Baschurch and the open vista providing excellent and distant views of the Shropshire/Powys borderland hills would be lost when approaching Baschurch from Shrewsbury.
- Loss of a beautiful view and harm to the outlook from the rear of nearby dwellings including properties in Prescott Court
- The site is on the edge of the Prescott Conservation area and the view of the open field is indicated as an important view
- The ecological survey should be repeated
- Development of the site would take out badger feeding grounds (mainly earth worms)
- The well used public footpath could be affected
- This is a prime agricultural field classed as grade 2 and has demonstrated the ability to grow a large variety of crops and it is a government priority to preserve grade 2 land
- Paragraph 112 of the NPPF states that '*Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality*'.
- Brownfield sites should be developed before greenfield sites
- Criticisms of the submitted Landscape and Visual Assessment and that the assessment of the visual effects for the proposed development has been based on selective photographs/viewpoints in order to support the development and are not an accurate representation of the true visual impact of the proposal
- To judge whether a site does or does not have an 'unremarkable landscape' or that there will be no loss of landscape or visual character to the area is purely a subjective view held by the author. The general opinion of local residents and those travelling through the village would differ, and that it is indeed a remarkable landscape with views stretching across the North Shropshire countryside and into Mid Wales.
- The report states that the visual impact would be localised to within 400M of the

site, however, views from the westerly aspect of the site (e.g. from The Cliffe and upper Milford Road) would be adversely affected. No amount of screening will hide the development from the elevated position of The Cliffe

- The site can be considered to have a high degree of landscape sensitivity as it has a distinctive landmark skyline (The Cliffe, Nescliffe, Rodneys Pillar and beyond to Mid Wales)
- Contrary to the opinion of the author that the area has an 'urban edge feel,' it could be conversely argued that the proposed site has a wholly 'agricultural feel,' as it is currently a working field that produces high quality crops outside the current development boundary.
- The fact that screening along the North West, and south boundaries is promoted by the report, highlights the high visual impact of the site.

## 5.0 THE MAIN ISSUES

Principle of development

Assessment of sustainability

Impact on character of conservation area and landscape/ visual impact

Highways

Others material considerations

- Ecology

- Drainage

- Archaeology

- Impact on residential amenity

- Rights of way

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

- 6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Council's Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight. Paragraph 12 of the NPPF states that '*Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise*'
- 6.1.2 With regards to housing development paragraph 49 of the NPPF is relevant and states that:

*'Housing applications should be considered in the context of the presumption in favour of sustainable development'.*

and that

*'Relevant policies for the supply of housing should not be considered up-to-date if*

*the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.'*

Paragraph 14 of the NPPF is also relevant and highlights that for decision taking this means:

*'where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'*

6.1.3 The adopted planning policy for Baschurch is the NSDC Local Plan but the site is outside the development boundary on the proposals map and is therefore classed as countryside. Shropshire Council has an adopted Core Strategy and CS4 outlines that housing development that is of a scale that is appropriate to the settlement will be allowed in villages in rural areas that are identified as Community Hubs and Clusters within the SAMDev DPD. The SAMDev DPD is at the 'Pre-Submission Draft Plan (or Final Plan) stage' and paragraph 216 of the NPPF states that decision-takers should give weight to the relevant policies in emerging plans according to:

- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

6.1.4 Baschurch is coming forward as a 'Community Hub' and the Draft SAMDev DPD indicates a development boundary and a housing guideline of around 150-200 additional dwellings over the period to 2026. The SAMDev pre-submission draft plan indicates that this will be delivered through the development of allocated housing sites together with development by infilling, groups of houses and conversion of buildings within the development boundary identified on the Policies Map. The application site was not carried forward as a preferred site (BAS002) within SAMDev as it was considered to be visually prominent and did not score well in terms of its relationship to village services and was not supported by residents. As it is not included as an allocated site and is outside the suggested development boundary within the SAMDev pre-submission draft plan allowing this proposal would be contrary to the emerging SAMDev DPD and contrary to the PCs aspirations regarding the location of new development within Baschurch. However in the absence of a five year land supply a 'presumption in favour of sustainable development' and the need to boost the housing supply (a government priority) is now the most significant material consideration when determining planning applications for housing and takes precedence over adopted and emerging local planning policy in relation to the supply of housing due to those policies not being considered up to date. The key factor in determining this proposal is therefore assessing whether the proposal would represent sustainable development and whether there would be any significant impact or harm as a result of the proposed development that would outweigh the benefits. This will be considered in the

paragraphs below.

## 6.2 Sustainable development

- 6.2.1 Baschurch is a large village with a wealth of services and facilities within the village and surrounding area and a bus service to Shrewsbury and Oswestry. These services and facilities include Walford college and the private Adcote school just outside the village and a primary and secondary school within the village, an Indian restaurant, Chinese takeaway, fish and chip shop, hairdressers and beauticians, doctors, village shop, farm shop, two pubs, hardware store, a new supermarket, a village hall, church and riding stables. In addition there are numerous employment opportunities within in and close to the village including three vehicle repair garages, builders, PGL holiday centre, a care home, holiday cottages, a large equine vets practice, livery yard and vehicle driver agency. Office space is available to let at Walford Business Centre. It is therefore considered that the site is situated in a sustainable location with regard to accessibility and proximity to essential day to day services and a range of facilities and employment opportunities without over reliance on the private motor car.
- 6.2.2 However ‘sustainable development’ isn’t solely about accessibility and proximity to essential services but the NPPF states that it is *‘about positive growth – making economic, environmental and social progress for this and future generations’*. In paragraph 7 of the NPPF it states that these three dimensions give rise to the need for the planning system to perform a number of roles:
- *an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
  - *a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and*
  - *an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*
- 6.2.3 Economic role – The proposal will help boost the supply of housing in Shropshire and will provide employment for the construction phase of the development supporting builders and building suppliers. The provision of additional houses will also support local businesses as future occupiers will access and use local services and facilities ensuring they remain viable. The provision of more homes will create a stimulus to the economy and address the housing shortage. The proposal will also be liable to a CIL payment which will provide financial contributions towards infrastructure and opportunities identified in the Place Plan.

- 6.2.4 Social role – Villages need to expand in a controlled manner in order to provide support for and maintain the level of services and facilities available in the village and surrounding area. The NPPF positively encourages the siting of housing in settlements where it will support facilities helping to retain services and enhancing the vitality of rural communities. Providing housing that will support and maintain existing facilities will benefit both the existing and future residents and help meet the needs of present and future generations. In addition to boosting the supply of open market housing the proposal will provide affordable housing on site at the prevailing rate at the time of the reserved matters application.
- 6.2.5 Environmental role – The site is agricultural land with no heritage, cultural or ecological designation. The application site has been assessed for its heritage, cultural and ecological value by the Council's Historic Environment Officers and Ecologist and these matters are considered in greater detail below. In principle it has been determined that the proposal would have no significant adverse impacts on these values. Officers consider that the impact of the proposal on the landscape would not be significant and demonstrable and as such would not outweigh the benefits. The proposal would provide ecological enhancements of the site that will be secured by condition. In addition the proposal would help contribute to a low carbon economy as the site is reasonably accessible on foot or by cycle to local services and facilities and by public transport to the array of services, facilities and employment opportunities in Shrewsbury and Oswestry.
- 6.2.6 It is therefore considered that the proposed development is sustainable having regard to the three dimensions of sustainable development. It is considered that the settlement can accommodate additional dwellings outside the development boundary identified within the Draft SAMDev, subject to a satisfactory scale and design, and that the development would be acceptable in principle and should be supported provided there are no adverse impacts that would outweigh the benefits.

### 6.3 **Impact on character of conservation area, landscape and visual amenities of area**

- 6.3.1 **Conservation area** - The application has been assessed by the Council's Conservation Officer whose comments have been included in full above. The Conservation Officer has confirmed that the site is immediately adjacent to the Baschurch Conservation Area of Prescott and that there are both designated and non-designation Heritage Assets (buildings/structures) within the proximity of the site. Although no assessment of the impact on the setting of the designated and non-designated Heritage Assets has been submitted with the application the Conservation Officer considers that any potential impact on the setting of these is low and therefore no further assessment will be required. The Conservation Officer has requested that the application for reserved matters should be accompanied by a full design rationale for the development of the site, taking into consideration the setting of the Conservation Area. A condition will be imposed regarding this and English Heritage will be consulted at that time. It is considered that subject to a satisfactory layout and design that reflects the local vernacular in terms of scale, details and material the proposal would have no adverse impact on the character and appearance of the adjacent conservation area and heritage assets.

- 6.3.2 **Landscape and visual impact** – The Conservation Officer has acknowledged that the development has the potential to have an adverse impact on the landscape character of the area but that this is not something that they can advise on further. They have recommended that Development Management consider obtaining the opinion of an appropriately qualified Landscape professional to review the Landscape information submitted in support of the application but this is not considered necessary by DM officers.
- 6.3.3 It is acknowledged that landscape value is subjective and that the loss of this greenfield is an emotive aspect of this proposal for local residents. The majority of the objections received relate to the impact of the proposal on the landscape and also include criticisms of the submitted Landscape and Visual Assessment and that the assessment of the visual effects for the proposed development has been based on selective photographs/viewpoints in order to support the development and are not an accurate representation of the true visual impact of the development. The applicant has provided the following response to these comments:

*The process of landscape assessment utilises Tables 1 and 2 presented in the report, prepared with reference to guidelines produced by the Landscape Institute and the Institute of Environmental Management and Assessment ‘Guidelines for Landscape and Visual Assessment’ (Landscape Institute and Institute of Environmental Management, 2013 and 2002) (GLVIA). Table 1 relates to landscape sensitivity: The landscape sensitivity to changes associated with the nature of the proposed development has been assessed as low because it is a flat, open agricultural field located in the urban fringe environment of Baschurch. Longer distance views to the west of the site constitute only a very small sector of the view (wider views being hidden by intervening trees) and are of a very low angle due to the distance of these hills from the proposed site. Sites with high sensitivity are more frequently those of national importance, and those of medium sensitivity are of regional importance: this site is not of either national or regional landscape importance. Table 2 relates to the magnitude of change that the proposed development would have on that landscape: it is apparent that the objection raised is based on a misunderstanding of the use of this table: table 2 is not about landscape sensitivity, but about the magnitude of change to which the landscape would be subjected, should the development be granted.*

- 6.3.4 The site comprises approximately 1.26 Hectares of agricultural land that fronts onto Shrewsbury Road adjacent to a roundabout to the South of the village. There is currently a field access gate from the roundabout and a stile further to the South of this providing access to the public footpath which crosses a small part of the site to the South West. There is a timber fence along the Northern boundary of the site and there are no boundaries to the West and South, with the field continuing in both directions. The site is predominantly flat, with a slight fall from East to West and the land beyond falls away at an increased rate towards the watercourse to the West. The site is not subject to any landscape designation but the landscape type described in the Shropshire Landscape Typology as ‘Estate Farmland’ covers extensive areas of land North West of Shrewsbury. The site is a fairly flat open field on the edge of the village with no significant landscape features and no significant hedgerow boundaries and no significant trees that would be impacted on by this proposal. The landscape value of the site itself is therefore considered to be low. Built development of the site will obviously change the view of the site locally

but the reserved matters application will include landscaping and a built form that will add interest to what is currently a very plain flat open field.

- 6.3.5 The submitted landscape and visual assessment provides photographs from several vantage points and residents have provided their own photographs taken from the same vantage points to illustrate the impact the proposal will have. It is not disputed that the development will change the appearance of the site but it is whether the loss of the view of the field from these vantage points would have a significant adverse impact on the character and appearance of the locality or the wider landscape and it is officers opinion that it would not. It is agreed with the assessment submitted with the application that the views are unremarkable and this is particularly so from Viewpoint 2, 3, 4 and 5 which illustrate how ordinary the view is. Viewpoint 6 from the East and Viewpoint 1 (a more close up view from the East) also illustrate how plain the view of the field is and that the only feature of interest is the hills in the distance.
- 6.3.6 This more important landscape feature and valued view of the site and beyond is experienced when approaching the roundabout from the East. However it is only when getting nearer to this roundabout that the view of the site with the hills in the distance can be seen. This is therefore only a localised and limited view of the site and the distant hills beyond and is not of regional or national importance. The view of the site from more distant view points will obviously change but it is not considered that the development of the site would have a significant adverse impact on the wider landscape or the appearance of the settlement of Baschurch and Prescott when viewed from the distant vantage points of The Cliffe, Nescliffe and Rodney's Pillar for example. It is therefore considered that the development of the site will have a negligible impact on the landscape and the village of Baschurch when viewed from distant locations.
- 6.3.7 Officers acknowledge that the appearance of the field will change with development but an appropriately designed layout will provide an interesting focal point at the entrance to the village. Any loss of the distant views of the hills to the West when approaching the roundabout is far outweighed by the benefit of additional housing. Residents have also raised concern about the loss of Grade 2 agricultural land but the NPPF only steers development away from '*significant development of agricultural land*', and the loss of just over 1 hectare of agricultural land is not considered to be. It is also worth noting that the majority of the land around Baschurch is grade 2 and therefore any housing development around the village would result in the loss of grade 2 agricultural land.

#### 6.4 **Highways**

- 6.4.1 The proposal indicates the access to the site off the existing roundabout to the South of the village. The Highways officer has confirmed that subject to the junction onto the roundabout being constructed and laid out in accordance with the Council's design standards the proposed development would not be detrimental to highway safety and raises no objection to the development. A condition will therefore be imposed requiring this and that full details of the design and construction of any new roads, footways, accesses and parking provision to be submitted for approval. The proposal originally indicated a separate access to an

overflow car park to be provided within the site to serve the doctors surgery opposite and a formalised controlled crossing. The access and crossing have been removed from the proposed scheme at the request of the Highways Officer and the amended plan shows that this car park will be accessed from within the estate and that it would be used for staff only which will reduce the number of vehicles movements and remove the potential conflict between pedestrians and vehicles. It is considered that the proposal provides a safe means of access to the site and would not result in any highway safety implications. The layout of internal roads and parking provision for residents will be considered at the reserved matters stage and the provision of a car park for use only by staff at the Prescott Surgery will be controlled by condition.

## 6.5 Others material considerations:

- 6.5.1 **Ecology** – The initial ecological survey found no evidence of badgers on the site and that there is no potential bat roosting habitat (although the site boundaries could be used for foraging and commuting bats) and confirmed that there are four ponds within 500metres of the site and that presence/absence surveys for newts should be carried out for two of them. The initial surveys have been undertaken and Newts were found in the ponds and additional surveys are required to establish the size of the GCN population so that the necessary details for mitigation can be finalised. The application site is arable land and therefore of low value as terrestrial GCN habitat. However as newts could be present in the boundary hedgerows or crossing the site there is potential to disturb or damage individual newts and this risk can be reduced by a strict method statement being followed. Any newts will need to be excluded from the development area during the development and this will be completed by erecting newt fencing around sections of the site to inhibit newts crossing the land. The remaining GCN surveys will be completed during May and the method statement for mitigation works updated. The Councils ecologist confirms that the proposed development will not be detrimental to the maintenance of the populations of great crested newts at a favourable conservation status within their natural range provided conditions are imposed regarding the method statement for mitigation works and landscape and habitat enhancements. Work will need to be conducted under licence from Natural England and an EPS three tests matrix has been completed and is attached as appendix 2 to this report.
- 6.5.2 **Drainage** – The site is within Flood zone 1 (the lowest risk of flooding) but as the site extends to over 1 hectare a Flood Risk Assessment (FRA) is required and has been submitted. This confirms that the area around the River Perry as Flood Zone 2 and 3 ( between 1 in 100 and 1 in 1000 annual probability of Flooding and 1 in 100 annual probability of flooding respectively). These areas around the River Perry liable to flooding are a considerable distance from the site and at a lower level. The site is remote from the watercourse and at a higher level, so is not at risk of fluvial flooding and the site is not at risk of pluvial flooding by surface water run-off from adjacent fields due to the topography of the land, being generally flat and sparsely developed. Therefore no special precautions need to be put into place on site to deal with localized flooding, beyond adequate surface water drainage which should be designed to not increase any run off from the site towards the neighbouring sites. The submitted drainage report and FRA indicates that surface water can be dealt with via either soakaways subject to successful infiltration tests or as a controlled discharge to the nearby River Perry. Foul

drainage will be to Public Sewer or a foul treatment plant could be considered with discharge to either soakaway or to the River Perry. The Councils drainage engineer has no objection to the proposal and has commented that the detailed drainage proposals can be submitted at the reserved Matters stage and conditions and informatics can be imposed regarding this.

6.5.3 **Archaeology** – The Councils Archaeologist has confirmed that whilst there are currently no known heritage assets with archaeological interest on the proposed development site, it is possible that archaeological features of later prehistoric/Roman date and/or relating to the medieval and later development of Prescott will be present and recommends that a phased programme of archaeological work, to comprise an initial field evaluation consisting of a geophysical survey and targeted trial trenching followed by further mitigation as appropriate, be made a condition of any planning permission for the proposed development. The suggested condition can be imposed on any approval.

6.5.4 **Impact on residential amenity** - Shropshire Core Strategy Policy CS6 “Sustainable Design and Development Principles” indicates that development should safeguard residential amenity. As this is outline only and no layout plans have been provided the impact on the nearest dwellings can not be fully assessed. However there are only five properties ('Tawnylea', 'Corwen House' and 41, 42 and 43 Shrewsbury Road) that share a boundary with the site and it is considered that a layout can be designed that would include buildings of an acceptable scale and design that would not appear obtrusive or result in a loss of privacy and a loss of light to these properties. There is no right to a view and the devaluation of properties is not a material consideration. In addition it is expected that rear gardens of the proposed houses would back onto these properties and there would not be vehicular access roads adjacent to these boundaries. Although the tranquil countryside setting currently enjoyed will be replaced with residential gardens it is not considered that this would create unacceptable levels of noise adjacent to these residential properties. The concern of the nearest neighbour about the noise and disturbance from the controlled crossing and the frequent vehicular and pedestrian activity in association with its use and that of the proposed overflow car park has been addressed by the omission of the crossing and separate access, and car parking being restricted to staff only. It is therefore considered that the proposal would have no significant adverse impact on residential amenity.

6.5.5 **Rights of way** - There is a public footpath across the South West Corner of the site with access provided via a stile to the South of the current field access at the roundabout. An informative can be imposed advising that this must remain open and available at all times and its possible diversion could be considered at the reserved matters stage.

## 7.0 CONCLUSION

7.1 The proposed development is considered to represent sustainable development in a sustainable location having regard to the three dimensions of sustainable development and is therefore acceptable in principle. Layout, scale, appearance and landscaping of the scheme are reserved for later approval but it is considered that an appropriately designed scheme could be achieved that would reflect the local vernacular in terms of scale, details and materials and provide an attractive

and interesting frontage when approaching the site. Whilst officers accept that there will be an impact on the view of the landscape it is considered that this impact would not be significant and demonstrable and as such would not outweigh the benefits. The proposal would have no adverse highway or ecological implications subject to conditions being imposed, and the open space provision and on site affordable housing will be decided at the reserved matters stage and will be secured by a S106 agreement. It is therefore considered that the proposal accords with Shropshire LDF policies CS6, CS11, and CS17 and the aims and provisions of the NPPF.

#### 8.0 Risk Assessment and Opportunities Appraisal

#### 8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.

The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than three months after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

#### 8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

#### 8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

## 9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

## 10. Background

### Relevant Planning Policies

Central Government Guidance: NPPF

Core Strategy and Saved Policies: CS2, CS6 CS11 and CS17

## 11. Additional Information

List of Background Papers: File 14/00831/OUT

Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member

Cllr Nick Bardsley

## APPENDIX 1

### Conditions

### **STANDARD CONDITION(S)**

1. Details of the scale, appearance, layout and landscaping, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application is an outline application under the provisions of Article 1(2) of the Town and Country Planning General Development (Procedure) Order 1995 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

3. The development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

4. The development shall be carried out strictly in accordance with the approved plans and drawings.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

5. The application for reserved matters should be accompanied by a full design rationale for the development of the site, taking into consideration the setting of the Conservation Area.

Reason: To ensure that the development would have no adverse impact on the setting of the adjacent conservation area.

6. A contoured plan of the finished road levels shall be provided as part of the application for reserved matters together with confirmation that the design has fulfilled the requirements of Shropshire Council's Surface Water Management: Interim Guidance for Developers paragraphs 7.10 to 7.12 where exceedance flows up to the 1 in 100 years plus climate change should not result in the surface water flooding of more vulnerable areas within the development site or contribute to surface water flooding of any area outside of the development site.

Reason: To ensure that any such flows are managed on site.

7. Details of the design and construction of any new roads, footways, accesses and parking provision together with the disposal of surface water shall be submitted as part of the application for reserved matters. The agreed details shall be fully implemented before the use hereby approved is commenced.

Reason: To ensure an adequate standard of highway and access for the proposed development.

8. The first submission of reserved matters shall include a scheme of great crested newt compensation and landscaping and these works shall be carried out as approved. The submitted scheme shall include:

a) Details of provision of terrestrial and aquatic habitat for great crested newts, such as through a SUDS scheme;

- b) Planting plans, including wildlife habitat and features (e.g. hibernacula)
- c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate. Native species used to be of local provenance (Shropshire or surrounding counties)
- d) Prescriptions for management actions (e.g. for SUDS pond);
- d) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works
- e) Implementation timetables

Reason: To ensure the protection of great crested newts, a European Protected Species and provision of amenity and biodiversity afforded by appropriate landscape design

#### **CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES**

9. No development, demolition or site clearance procedures shall commence until a European Protected Species (EPS) Mitigation Licence with respect to great crested newts has been obtained and submitted to the local planning authority for the proposed work prior to the commencement of works on the site. Work shall be carried out strictly in accordance with the granted EPS Mitigation Licence.

Reason: To ensure the protection of great crested newts, a European Protected Species

10. All development, demolition or site clearance procedures on the site to which this consent applies shall be undertaken in line with the Phase 1 Environmental Survey by Greenscape Environmental \*\*\*\*\*updated XXX 2014\*\*\*

Reason: To ensure the protection of great crested newts, a European Protected Species

11. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest.

#### **CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT**

12. The junction of the estate road with the adjoining highway shall be constructed in accordance with the Local Planning Authority's specification for the time being in force for residential and industrial estate roads prior to the first occupation of the development.

Reason: To ensure the formation of a satisfactory estate road junction to serve as a means of access to the development.

13. Prior to the occupation of the first dwelling house on the development hereby approved the car parking area shown to be used for staff parking in association with the Prescott Surgery

shall be provided and surfaced in accordance with a scheme to be first agreed in writing with the LPA.

Reason: To provide additional parking for the surgery staff in the interests of highway safety.

14. Prior to the car park referred to in condition 13 above being first brought into use lockable gates shall be provided with only staff of the Prescott Surgery being key holders. The gates shall be locked when the surgery is not occupied.

Reason: To ensure that there is no unauthorised use of the car park and that adequate surgery parking is maintained.

#### **CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT**

15. The parking area referred to in condition 13 above shall only be used for the parking of vehicles of staff employed at the Prescott Surgery and for no other purpose.

Reason: To ensure that there is no unauthorised use of the car park and that adequate surgery parking is maintained.

#### **APPENDIX 2: EUROPEAN PROTECTED SPECIES – Consideration of the three tests**

#### **DRAFT**

Application name and reference number:

14/00831/OUT

Date of consideration of three tests:

23<sup>rd</sup> April 2013

Consideration of three tests carried out by:

Alison Slade  
Planning Ecologist (01743 252578)  
[Alison.Slade@Shropshire.gov.uk](mailto:Alison.Slade@Shropshire.gov.uk)

**1 Is the development ‘in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment’?**

The proposal will provide up to 35 new homes of which 5 would be affordable which will boost the housing supply in a sustainable location and as a result provide social and economic benefits for both present and future generations and will also provide bio-diversity enhancements of the site with no adverse environmental impacts.

**2 Is there ‘no satisfactory alternative’?**

The alternative is not to develop the site but this would not provide the much needed boost to housing supply numbers in Shropshire and would not provide the social and economic benefits of the proposal and the ecological enhancements of the site to be secured by conditions attached to this planning permission.

**3 Is the proposed activity ‘not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range’?**

Greenscape Environmental (April 2014) have started the presence/absence surveys of Ponds 2 and 4, and found that great crested newts (GCN) are present in both of these ponds. Pond 2 is the closest, at 70 metres. Until the necessary four surveys have been carried out, it is not possible to say what the size of the GCN population is at both ponds, which will affect the details of the necessary mitigation.

The application site is arable land and therefore of low value as terrestrial GCN habitat. However as newts could be present in the boundary hedgerows or crossing the site, the risks to individual newts will have to be reduced by a strict method statement being followed. Newts will need to be removed from the development area and excluded during the development. This will be completed by erecting newt fencing around sections of the site to inhibit newts crossing the land.

The April 2014 draft report contains a method statement for the mitigation works but cannot be finalised until the remaining GCN surveys have been completed. This is likely to be in May 2014. A final report from Greenscape Environmental should be submitted and thereafter conditioned as set out in recommended condition 2.

As compensation, Greenscape Environmental (April 2014) state that the SUDS scheme will provide suitable terrestrial and aquatic habitat for GCN to be planned at a later date. These details should be submitted for approval as part of the Reserved Matters application.

The proposed development will not be detrimental to the maintenance of the populations of great crested newts at a favourable conservation status within their natural range, provided that the conditions and informatics detailed in the response from Alison Slade to Jane Raymond dated 23<sup>rd</sup> April 2014 \*\*\*\* to be finalised\*\*\* are attached to any consent and thereafter implemented

**Draft Conditions**

1. No development, demolition or site clearance procedures shall commence until a European Protected Species (EPS) Mitigation Licence with respect to great crested newts has been obtained and submitted to the local planning authority for the proposed work prior to the commencement of works on the site. Work shall be carried out strictly in accordance with the granted EPS Mitigation Licence.

**Reason: To ensure the protection of great crested newts, a European Protected Species**

2. All development, demolition or site clearance procedures on the site to which this consent applies shall be undertaken in line with the Phase 1 Environmental Survey by Greenscape Environmental \*\*\*\*\*updated XXX 2014\*\*\*

**Reason: To ensure the protection of great crested newts, a European Protected Species**

3. The first submission of reserved matters shall include a scheme of great crested newt compensation and landscaping and these works shall be carried

out as approved. The submitted scheme shall include:

- a) Details of provision of terrestrial and aquatic habitat for great crested newts, such as through a SUDS scheme;
- b) Planting plans, including wildlife habitat and features (e.g. hibernacula)
- c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate. Native species used to be of local provenance (Shropshire or surrounding counties)
- d) Prescriptions for management actions (e.g. for SUDS pond);
- d) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works
- e) Implementation timetables

**Reason: To ensure the protection of great crested newts, a European Protected Species and provision of amenity and biodiversity afforded by appropriate landscape design**